



KIMBERLEY DRISCOLL  
MAYOR

# CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

120 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970  
TELE: 978-745-9595 ♦ FAX: 978-740-9846

FILE #  
CITY CLERK, SALEM, MASS.

2015 SEP -2 P 2:19

September 2, 2015

## Decision

### City of Salem Board of Appeals

Petition of GREGORY INVESTMENT GROUP LLC, seeking Variances requesting relief from 4.1.1 Table of Dimensional Requirements from minimum lot area, minimum lot area per dwelling unit, minimum rear yard setback, maximum height of building, number of stories and a Variance per Sec. 5.1.8 Table of Required Parking Spaces of the Salem Zoning Ordinance to allow for the construction of a two-family residence and associated parking located at the property of 2 ATLANTIC STREET (AKA 17 LUSSIER STREET) (Map 32 Lot 189) (R2 Zoning District).

A public hearing on the above Petition was opened on August 19, 2015 pursuant to M.G.L Ch. 40A, § 11 and closed on this date with the following Salem Board of Appeals members present: Peter A. Copelas (Vice-Chair), Jimmy Tsitsinos, Mike Duffy, Tom Watkins, Paul Viccica (alternate).

The Petitioner seeks Variances requesting relief from minimum lot area, minimum lot area per dwelling unit, minimum rear yard setback, maximum height of building, number of stories and a Variance per Sec. 5.1.8 Table of Required Parking Spaces of the Salem Zoning Ordinance to allow for the construction of a two-family residence and associated parking.

#### Statements of Fact:

1. Attorney Quinn presents the petition.
2. In the petition date-stamped July 26, 2015, the petitioner requests Variances requesting relief from 4.1.1 Table of Dimensional Requirements from minimum lot area, minimum lot area per dwelling unit, minimum rear yard setback, maximum height of building, number of stories and a Variance per Sec. 5.1.8 Table of Required Parking Spaces of the Salem Zoning Ordinance to allow for the construction of a two-family residence and associated parking.
3. The lot is 5,250 square feet and is located in a R2 Zoning District.
4. The petitioner withdrew the request for a variance for relief per Sec. 5.1.8. Table of Required Parking Spaces of the Salem Zoning Ordinance as the proposal for garage parking underneath the two-family residential dwelling unit meets the number of parking spaces required. The garage parking will have two (2) parking spaces per dwelling unit.
5. The petitioner proposes to construct a 1,560 square foot two-family dwelling unit with four (4) parking spaces below the residential dwelling units.
6. In 1995 and 2009 the Zoning Board of Appeals granted dimensional variances to allow for the construction of a two-family residential unit that was never constructed.

7. The requested relief, if granted, would allow the Petitioner to allow for the construction of a two-family residence and associated parking.
8. At the public hearing one (1) member of the public spoke in favor and one (1) person spoke opposition to, the petition.

The Salem Board of Appeals, after careful consideration of the evidence presented at the public hearing, and after thorough review of the petition, including the application narrative and plans, and the Petitioner's presentation and public testimony, makes the following **findings**:


**Findings for Variance:**

- 1) Special conditions and circumstances that especially affect the land, building, or structure involved generally not affecting other lands, buildings or structures in the same district is that the parcel is undersized and has a narrow shape.
- 2) Literal enforcement of the provisions of the Ordinance would involve substantial hardship to the applicant as without the dimensional variances given the size and shape of the lot, the land could not be built on.
- 3) Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent of the district or the purpose of the ordinance.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted with four (4) in favor (Peter A. Copelas (Vice-Chair), Jimmy Tsitsinos, Mike Duffy, Tom Watkins) and one (1) opposed (Paul Viccica (alternate)) to grant Variances requesting relief from *4.1.1 Table of Dimensional Requirements* from minimum lot area, minimum lot area per dwelling unit, minimum rear yard setback, maximum height of building, number of stories to allow for the construction of a two-family residence and associated parking, subject to the following **terms, conditions and safeguards**:

**Standard Conditions:**

1. The Petitioner shall comply with all city and state statutes, ordinances, codes and regulations.
2. All construction shall be done as per the plans and dimensions submitted to and approved by the Building Commissioner
3. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
4. Petitioner shall obtain a building permit prior to beginning any construction.
5. A Certificate of Occupancy shall be obtained.
6. A Certificate of Inspection shall be obtained.
7. Petitioner shall obtain street numbering from the City of Salem Assessor's Office and shall display said number so as to be visible from the street.
8. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.

  
Rebecca Curran, Chair  
Board of Appeals

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Project: 2 Atlantic Street  
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A COPY OF THIS DECISION HAS BEEN FILED WITH THE PLANNING BOARD AND THE CITY  
CLERK

*Appeal from this decision, if any, shall be made pursuant to Section 17 of the Massachusetts General Laws Chapter 40A, and shall be filed within 20 days of filing of this decision in the office of the City Clerk. Pursuant to the Massachusetts General Laws Chapter 40A, Section 11, the Variance or Special Permit granted herein shall not take effect until a copy of the decision bearing the certificate of the City Clerk has been filed with the Essex South Registry of Deeds.*